

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE  
Law Enforcement Officers' Safety Act of 2004  
HR 218  
18 U.S.C. § 926**

**State Guidelines  
November 1, 2014**

**Contact Person  
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**State of Delaware**  
**Department of Justice**  
**Law Enforcement Officers' Safety Act of 2004**  
**As of November 1, 2014**

**Introduction**

On July 22, 2004, President Bush signed into law the Law Enforcement Officers' Safety Act of 2003, ("LEOSA"), also known by its bill number, H.R. 218. This Law is codified at Chapter 44 of Title 18 of the United States Code, at §926B and §926C. This law allows qualified active and certain retired law enforcement officers to carry concealed firearms nationwide. Additionally, the law establishes the criteria that those individuals must meet annually in order to qualify as an active or honorably separated law enforcement officer. The requirements are as follows:

**Criteria for Certification**

**Active Law Enforcement Officer: Title 18 § 926B(c)**

1. Authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and has a statutory power of arrest or apprehension under § 807(b) of Title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);
2. Authorized by the agency to carry a firearm;
3. Is not the subject of any disciplinary action by the agency, which could result in suspension or loss of police powers;
4. Meets standards established by the agency which require the employee to regularly qualify in the use of a firearm;
5. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
6. Is not prohibited by State or Federal law from receiving a firearm.

**Retired Law Enforcement Officer: Title 18 § 926C(c)**

1. Separated from service in good standing from service with a public agency as a law enforcement officer;
2. Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution of, or the incarceration of any person for, any violation of law and had statutory powers of arrest or apprehension under § 807(b) of Title 10, United States Code (Article 7(b) of the Uniform Code of Military Justice);

3. Before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or
4. Separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
5. During the most recent 12 month period, has met, at the expense of the individual or Agency, the State of Delaware standards for training and qualification for active law enforcement officers to carry firearms, as established by the Council on Police Training (“COPT”);
6. Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification required under this statute;
7. Has not entered into an agreement with the Agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification required under this statute;
8. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
9. Is not prohibited by State or Federal law from receiving a firearm.

If you have met the above requirements, qualifying you as an active or honorably separated law enforcement officer, proceed to the next steps outlined in the “Procedures for Certification.”

### **Procedures for Certification**

#### **Active Law Enforcement Officer**

- Meet the aforementioned requirements as stated on page 1 of this document under “Active Law Enforcement Officer”.
- Possess a current photographic identification card issued by your agency
- Establish that you have satisfied the firearm and training standards established by your agency to regularly qualify you in the use of a firearm.
- If you have met the aforementioned criteria, no additional documentation or certification is needed to meet the provisions of LEOSA. However, you may want to consult with your agency to insure there is no conflict with any internal policy regarding carrying a concealed firearm out of your jurisdiction.

## Retired Law Enforcement Officer

- Meet the requirements set forth on page 1 of this document under “Retired Law Enforcement Officer”;
- Complete the **State of Delaware Qualified Retired/Separated Law Enforcement Officer Application for LEOSA Certification**. The application can be obtained from the Attorney General’s website at [www.state.de.us.gov/attgen/](http://www.state.de.us.gov/attgen/). This application is to be completed and submitted to the agency from which you retired, along with the additional documentation set forth below, and any processing fee charged by that agency.
- Submit to the agency from which you retired, a completed **State of Delaware Retired/Separated Police Officer Concealed Weapons Qualification Notification** from a Firearms Instructor certified by the Council on Police Training (“COPT”), indicating you have satisfied the firearm and training qualification requirements for the State of Delaware as set forth by the COPT.
- Submit to a criminal history records check. You will be responsible for paying any cost for this service. ***However, the Agency from which you retired/separated may run the criminal history records check without charge. The purpose of the criminal history records check is to ensure that the retired/separated officer is not a person prohibited under State or Federal law.***
- You have an affirmative responsibility to report any incidents or issues which may make you ineligible to carry a concealed deadly weapon.
- Once you have met the criteria for certification, and you have satisfied the firearm training and qualification requirements, you will be issued a **State of Delaware Retired/Separated Officer LEOSA Certification Card** (“Certification Card”). The Certification Card will be issued by the agency from which you retired/separated. The Certification Card will indicate your personal information; identify the firearm you are permitted to carry by type along with the expiration date and the notation “LEOSA” in the remarks section. Type(s) refers to either a semi-automatic or revolver handgun.
- The Certification Card will be valid for a period of one year. In order to maintain your certification, you will be required to annually meet all established standards set forth by the State and Federal Laws pertaining to LEOSA, before the expiration date of the Certification Card, pursuant to Title 18 §926C(c).
- The State of Delaware and/or the agency from which you retired reserves the right to deny the issuance of the certification card when your status as a retired/separated law enforcement officer cannot be established and/or verified, and to revoke the certification card at any time should you fail to qualify for certification.

## Law Enforcement Agency Responsibilities

- The agency from which you retired will receive your **State of Delaware Qualified Retired/Separated Law Enforcement Officer Application for LEOSA Certification** and verify the information you have provided, and will conduct the required records check.
- Upon completion of your firearms training, the agency will receive your completed **State of Delaware Retired/Separated Police Officer Concealed Weapons Qualification Notification**, and will confirm your qualification.
- The agency may submit copies of the **State of Delaware Qualified Retired/Separated Law Enforcement Officer Application for LEOSA Certification** and the **State of Delaware Retired/Separated Police Officer Concealed Weapons Qualification Notification** to the State Bureau of Identification (“SBI”) for entry of information into the appropriate computer database, if that database has been established by SBI at no cost to the agency or retired officer. Alternatively, the Agency **shall** maintain a database listing the names and pertinent information on all Certification Cards issued by that Agency.
- The Card will expire in one year, and will be renewable upon reapplication and compliance with the criteria set forth above.

**STATE OF DELAWARE**

**RETIRED/SEPARATED LAW ENFORCEMENT OFFICER APPLICATION  
FOR CARRYING A CONCEALED DEADLY WEAPON  
IN ACCORDANCE WITH THE LAW ENFORCEMENT OFFICERS' SAFETY ACT OF  
2004 ["H.R. 218"]**

Name:

\_\_\_\_\_

(First)

(Last)

(M.I.)

Home Address:

\_\_\_\_\_

(Street)

(State)

(Zip Code)

Telephone Number: \_\_\_\_\_  
(include area code)

Fax: \_\_\_\_\_  
(include area code)

E-Mail Address: \_\_\_\_\_

DE.DL#: \_\_\_\_\_

Date of Birth: \_\_\_ / \_\_\_ / \_\_\_ Sex: \_\_\_ Race: \_\_\_ Height: \_\_\_ Weight: \_\_\_

Eye Color: \_\_\_\_\_ Hair: \_\_\_\_\_

Agency: \_\_\_\_\_

**Affidavit**

(indicate  
yes or no)

\_\_\_\_\_ I understand that in order to carry a concealed firearm as a qualified retired law enforcement officer in accordance with the Law Enforcement Officers' Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, (HR 218), I must meet all established standards set forth by the State and Federal laws and regulations.

\_\_\_\_\_ I have read and understand the State of Delaware Department of Justice Law Enforcement Officers' Safety Act of 2004 Guidelines issued by the Delaware Department of Justice.

\_\_\_\_\_ The law enforcement agency from which I retired/separated has issued me a photographic Identification. Identification number, if available, is \_\_\_\_\_.

\_\_\_\_\_ The agency I retired/separated from is \_\_\_\_\_, which is located in \_\_\_\_\_, Delaware.

\_\_\_\_\_ My retirement/separation date was \_\_\_\_\_.

\_\_\_\_\_ I did not retire/separate for reasons of mental instability.

\_\_\_\_\_ I was authorized to engage in or supervise the prevention, detection, investigation or prosecution of, or the incarceration of any person for any violation of law, and I had statutory powers of arrest.

\_\_\_\_\_ If I did not retire but separated from a law enforcement agency(ies), I certify that I had an aggregate of 10 years or more of service.

\_\_\_\_\_ **I am not now under the influence of alcohol or another intoxicating or hallucinatory drug or substance, and I will not carry a firearm while I am under the influence of alcohol or another intoxicating or hallucinatory drug or substance.**

\_\_\_\_\_ I am not prohibited by State or Federal law from receiving a firearm.

\_\_\_\_\_ I understand that the definition of "firearm" does not include any machine gun, firearms silencer or destructive device, including sawed off shotguns.

\_\_\_\_\_ I understand that I must meet the State of Delaware's standards for training and qualification for retired law enforcement officers to carry the

type(s) of firearm listed on the **State of Delaware Retired/Separated Police Officer Concealed Weapons Qualification Notification** form.

\_\_\_\_\_ I understand that my certification expires twelve months from its issue date.

\_\_\_\_\_ I understand that I must carry the State of Delaware's certification, along with the photographic identification issued by my agency, when I carry the concealed weapon.

\_\_\_\_\_ I have read and understand the laws set forth by the State of Delaware pertaining to, but not limited to, "Deadly Force" and "Carrying a Concealed Deadly Weapon" and all other Delaware Laws pertaining to this application as set forth by the Attorney General's Office.

\_\_\_\_\_ I have submitted to a criminal record check to confirm that I have not been convicted of any crime greater than a violation since the date of my retirement. (See attached documents supporting the criminal record review or indicates the review was done by the Agency.)

\_\_\_\_\_ I have not been committed to a psychiatric facility since the date of my retirement/separation.

\_\_\_\_\_ I retired/separated and have a certification letter, which is attached, from my retiring/separating agency's chief verifying that I was in good standing, had served at least 10 years of service, or qualified for a non-forfeitable pension; or retired under a service-connected disability after completing any probationary period with my law enforcement agency. (Required for initial application only)

\_\_\_\_\_ I have provided two (2) 2x2" color passport-style photographs of myself that have been taken within the six month period immediately preceding the filing of this application or the agency from which I retired will supply the photos (at the agency's discretion).

\_\_\_\_\_ **I understand that the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. 926C, does not give me any rights whatsoever to exercise law enforcement authority or take police action under any circumstances.**

\_\_\_\_\_ **I understand that the State of Delaware may restrict my ability to carry firearms on State or local property, including installations, buildings, bases, and parks.**

\_\_\_\_\_ **I assume all responsibility and liability for my actions while acting under the provisions established for LEOSA.**

**I do hereby declare and affirm under the penalties of perjury that the contents of this application are true and correct to the best of my knowledge, information, and belief and I so indicate by signing below in the designated space.**

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Date

Subscribed and sworn to before me:

Notary Public \_\_\_\_\_

This \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_.

My Commission Expires \_\_\_\_\_

**STATE OF DELAWARE**

**RETIRED POLICE OFFICER**

**CONCEALED WEAPONS QUALIFICATION NOTIFICATION**

**LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2003 (HR 218)**

The Retired Officer LEOSA Certification Card must be renewed annually and will expire one (1) year from the date of issue. Applicant must use the same type(s) of weapon as used in qualification. Weapon, holster, and ammunition will be provided by the Retiree at their own expense. The Retiree must qualify in accordance with the State of Delaware's Council on Police Training minimum standards qualification course for retired concealed carry standards for LEOSA ("HR 218").

Retiree Name: \_\_\_\_\_  
(Last) (First) (Middle)

Department: \_\_\_\_\_

Weapon Type: Semi  Revolver

Retiree Signature: \_\_\_\_\_

This certifies that the above named individual has met the State standards for LEOSA ("HR 218") status as to the firearm as indicated.

COPT Certified  
Firearms Instructor: \_\_\_\_\_ / \_\_\_\_\_  
(Printed) (Signature)

Instructor's Agency/Company: \_\_\_\_\_

Qualification Date: \_\_\_\_\_